

Translation

PATENT COOPERATION TREATY

PCT/CH2003/00012



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ES 003-P/WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000129	International filing date (day/month/year) 20 February 2003 (20.02.2003)	Priority date (day/month/year) 10 April 2002 (10.04.2002)
International Patent Classification (IPC) or national classification and IPC B65G 33/22		
Applicant BÜHLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 13 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 13 August 2003 (13.08.2003)	Date of completion of this report 29 April 2004 (29.04.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000129

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 3, 5-13, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages 1a, 2, 2a, 4, filed with the letter of 01 December 2003 (01.12.2003),  
pages 1, filed with the letter of 29 March 2004 (29.03.2004).

☒ the claims, Nos. \_\_\_\_\_, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. 1-23, filed with the letter of 29 March 2004 (29.03.2004),  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the drawings, sheets/fig \_\_\_\_\_, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig 1/3-3/3, filed with the letter of 29 March 2004 (29.03.2004),  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-23	YES
	Claims		NO
Inventive step (IS)	Claims	1-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

**2. Citations and explanations**

Reference is made to the following document:

D: GB-A-1 474 484 (RANKS HOVIS MCDOUGALL LTD)  
25 May 1977. (1977-05-25)

1. Document D, which is regarded as the closest prior art, discloses a conveying device, from which the subject matter of claim 1 differs in that the number of additional discontinuous segments and thus the number of subpaths increases along the direction in which the product is conveyed.

This means that the longer the conveying path the more the accumulation of product can be further broken down within the conveying device, resulting in a particularly fine smoothing of the product.

Since the combination of features in claim 1 is not known from the prior art and in comparison therewith offers the advantage of better smoothing of the product, claim 1 meets the PCT requirements in respect of novelty and inventive step (PCT Article 33(2) and (3)).

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

PCT/CH 03/00129

2.     **Claims 2 to 23** are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step (PCT Article 33(2) and (3)).